

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

RITA K. YEARY,

Plaintiff,

v.

CIVIL ACTION NO.

MICHAEL D. VANE
and
ECN HOLDING CORPORATION,

**PLAINTIFF DEMANDS
A TRIAL BY JURY**

Defendants.

COMPLAINT

1. This action is brought under 28 USC § 1332. Plaintiff is a citizen of the Commonwealth of Virginia. The matter in controversy exceeds, exclusive of interest and costs, the sum of Seventy-Five Thousand (\$75,000.00) Dollars.

2. That on or about the 18th day of September, 2021, at approximately 11:28 a.m., plaintiff, RITA K. YEARY, was a passenger in a vehicle being operated by PAUL A. YEARY, traveling on Buckhorn Quarter Road in the County of Southampton, Virginia.

3. That at the time and place listed above, the defendant, Michael D. Vane, was operating a vehicle owned by ECN Holding Corporation. He had permission to use said vehicle and while operating it, he was acting as an agent, servant or employee of ECN Holding Corporation. Defendant Vane had a duty to operate the ECN Holding Corporation vehicle in a safe, reasonable and lawful manner.

4. That Defendant Vane, at the time of the accident, was operating the ECN Holding Corporation vehicle while acting in the scope of his employment and, as a result, ECN Holding Corporation is liable to the plaintiff for any injuries and damages proximately caused by the negligence of its employee, Michael D. Vane.

5. That at the aforesaid time and place the defendant, Michael D. Vane violated said duty and operated his vehicle in a negligent and reckless manner causing same to collide with the rear of the vehicle in which plaintiff was a passenger.

6. That as a direct and proximate result of the defendants' negligence and recklessness, the plaintiff was seriously and permanently injured.

7. That these injuries to the plaintiff and the shock resulting from the accident have caused past, present and future pain and suffering, both mental and physical, and these injuries have required the plaintiff to expend large sums of money for past, present and future medical care.

8. The aforesaid injuries will continue to disable plaintiff from all other activities formerly associated with her person and station in life.

9. The plaintiff demands a trial by jury.

WHEREFORE, plaintiff, Rita K. Yeary, demands judgment against defendants, jointly and severally, in the sum of SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00), and costs, together with interest from the date of her injury.

RITA K. YEARY

By: 
Of Counsel

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